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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,102	03/03/2004	Charles E. Cadwell	FIS0001	4095
27187 7590 09/05/2007 BAKER & DANIELS LLP 205 W. JEFFERSON BOULEVARD SUITE 250 SOUTH BEND, IN 46601			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/792,102

Applicant(s)

CADWELL ET AL.

Examiner

Jessica Laux

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 8-10, 18-20 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-17 and 21 is/are rejected.
- 7) ☒ Claim(s) 11 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of the amendment filed 6/18/2007.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirmiran et al. (6123485) in view of Hansen (7186449).

Regarding claims 1-2, 12, 21: Mirmiran et al. discloses an elongate composite pole, or the like, comprising: a structural elongate member (30) having an outer tubular member (34), defining an elongate closed area an inner web of strengthening members (36), defining a plurality of elongate closed columnar areas (figure 1C); a strengthening material substantially filling said elongate closed area (38, figure 1C; Col. 4, line 55). Mirmiran does not disclose an outer casing, comprised of a deformable composite material, deposited on the outside of said outer tubular member, wherein said outer casing is comprised at least in part by ground rubber material.

Hansen discloses a pole, that may be a utility pole, where a ground rubber casing is deposited on the outside of the pole (Col. 6, line 62 – Col. 7, line 8). It would

Art Unit: 3635

have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pole of Mirmiran to have the rubber casing as disclosed by Hansen because rubber can withstand the harsh degrading effects of the environment and sunlight.

Regarding claims 3, 13: The elongate composite pole of claim 2, wherein said outer tubular member is cylindrical (figure 1C).

Regarding claims 4, 14: The elongate composite pole of claim 3, wherein said strengthening members are defined as radially extending ribs (36, figure 1C).

Regarding claims 5, 15: The elongate composite pole of claim 4, wherein said structural elongate member is comprised of two substantially concentric cylindrical members (34 and 37; Col. 5, lines 37-43) interconnected by, said radially extending fins (figure 1C).

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirmiran et al. (6123485) in view of Hansen (7186449) or further in view of Hubbel (6409433).

Regarding claims 6, 16: Mirmiran in view of Hansen discloses the elongate composite pole of claim 5, but does not disclose that the volume within an inner one of said two substantially concentric cylindrical members is left unfilled for a wiring passageway.

Hansen discloses that it is known to have a passageway left open in a utility pole for the purpose of wiring.

Hubbel discloses a pole having an inner left open that is capable of accommodating wiring.

It would have been obvious to one of ordinary skill in the to modify the pole of Mirmiran to have a passageway opening for wiring as it is common and known in the art to have such feature in a utility pole for ease in running wiring through the pole.

Regarding claims 7, 17: The elongate composite pole of claim 6, wherein said strengthening material is concrete (Mirmiran, where it is disclosed that concrete is the strengthening material).

Allowable Subject Matter

Claims 11 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J. CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3635

JL
9/03/2007